# TITLE 27 – California Environmental Protection Agency NOTICE OF PROPOSED RULEMAKING

### PROPOSED REGULATORY ACTION

Notice is hereby given that the Secretary of the California Environmental Protection Agency (Cal/EPA) proposes to adopt regulations; after considering all comments, objections, and recommendations, describing how Environmental Enforcement and Training grants as authorized under the Environmental Enforcement and Training Act of 2002 (Stats. 2002, c. 1000) will be allocated and awarded.

#### PUBLIC HEARING

The Secretary of Cal/EPA has not scheduled a public hearing on the proposed regulations. Interested parties may request a public hearing by submitting a request, in writing, no later than **May 11, 2003**, as authorized pursuant to Section 11346.8 of the Government Code. The request should be addressed to the Agency Contact Person identified below, and should state that a public hearing is being requested for the Environmental Enforcement and Training Grant Program regulations.

# WRITTEN PUBLIC COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Cal/EPA Office of the Secretary. Written comments will be accepted by the Agency **until 5:00 p.m. on May 26, 2003**. Cal/EPA will consider only comments received by that time. Submit comments to:

Ms. Carol Monahan Assistant General Counsel California Environmental Protection Agency Office of the Secretary 1001 I Street, 24<sup>th</sup> Floor Sacramento, CA 95814

Comments may also be e-mailed to <a href="mailedtocomments">comments may also <a

To be added to the mailing list for this rulemaking, and to receive notification of updates of this rulemaking, please leave a message at (916) 322-2935.

#### **AUTHORITY AND REFERENCE**

Statutes of 2002, Chapter 1000, section 4, referred to as the Environmental Enforcement and Training Act of 2002, amends Penal Code section 14300 et. Seq. and requires the Secretary of Cal/EPA to adopt regulations to implement, interpret and make specific Penal Code section sections 14300 through and including section 14315.

The adoption of these Regulations is necessary to carry out the express provisions of the statute requiring the Secretary of Cal/EPA to develop selection criteria and procedures for applying Environmental Enforcement and Training Act Grants.

# INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to the Environmental Enforcement and Training Act of 2002 and Penal Code Section 14300 et seq., the Secretary of Cal/EPA is authorized to allocate funds and award project grants from funds deposited into the Environmental Enforcement and Training Account. For this purpose, the Secretary of Cal/EPA is authorized to request an annual appropriation of up to two million dollars (\$2,000,000) from funds available in the account.

The proposed regulations will implement, interpret or make specific how grants to support statewide enforcement of environmental laws, education, and training programs for peace officers, investigators, firefighters, state and local environmental regulators, and public prosecutors will be allocated and awarded. The proposed regulations describe the procedures for applying for the grants, the criteria to be used in determining which applications will be funded, and the administrative and fiscal requirements governing the receipt and expenditure of the grant funds in accordance with the Act.

Other Matters Prescribed by Statutes Applicable to Cal/EPA and the Commission On Peace Officer Standards And Training (POST): To ensure that programs are coordinated with existing peace officer training, the Secretary of Cal/EPA is required by Penal Code section 14301(c) to consult with the Commission on Peace Officer Standards and Training (POST) prior to the allocation of funds to peace officer education and training programs.

# **Disclosures Regarding the Proposed Action:**

The Secretary of Cal/EPA has made the following determination:

Mandate on Local Agencies and School District: None

Costs to Any Local Agency or School District which Must Be Reimbursed in Accordance with Government Code Sections 17500 Through 17630: None

Costs or savings to State Agencies: The Secretary has determined that the proposed regulations explaining the procedures and processes the Agency will use in awarding grants under the Environmental Enforcement and Training Grant Program will have minimal, if any, fiscal or economic impact on state agencies. Failure to adopt the regulations would result in the inability of the Agency to provide grant funding under the program.

Other Nondiscretionary Cost or Saving Imposed on Local Agencies: None

Costs or Savings in Federal Funding to the State: None

This Grant Program Will Be Administered with Existing Resources: No other costs are associated with this grant program.

Significant Statewide Adverse Economic Impact Directly Affecting Business Including the Ability of California Businesses to Compete with Businesses in Other States: None

**Potential Cost Impact on Private Persons or Directly Affected Businesses**: The Secretary of Cal/EPA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations.

**Potential Creation or Elimination of Jobs or Businesses:** Adoption of these regulations will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

**Potential Effect on Small Businesses:** The Secretary of Cal/EPA has determined that the Environmental Enforcement and Training Grant Program will not affect small businesses because these regulations do not directly regulate small businesses. The new regulations apply to the distribution of environmental enforcement grants supporting training and enforcement activities.

Significant Effect On Housing Costs: None

# CONSIDERATION OF ALTERNATIVES

The Secretary must determine that no reasonable alternative considered by the Secretary, or that has otherwise been identified and brought to the attention of the Secretary, would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to the affected public than the proposed regulations.

**CONTACT PERSONS** 

Inquiries concerning the proposed regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to:

Ms. Carol Monahan
Assistant General Counsel
California Environmental Protection Agency
Office of the Secretary
1001 I Street, 24<sup>th</sup> Floor
Sacramento, CA 95814
Telephone: (916) 322-3638

The backup contact person for these inquiries is:

Ms. Lisa Brown
Assistant Secretary for Enforcement
California Environmental Protection Agency
Office of the Secretary
1001 I Street, 25<sup>th</sup> Floor
Sacramento, CA 95814
Telephone: (916) 327-2064

#### PLAIN ENGLISH REQUIREMENTS

See the Informative Digest above for a plain English discussion of the objectives of the Environmental Enforcement and Training Grant Program as established by the Environmental Enforcement and Training Act of 2002. The express terms, or the text of the Environmental Enforcement and Training Grant Program regulations written in plain English are available from the agency contact person named above.

# AVAILABILITY OF STATEMENT OF REASONS, AND TEXT OF PROPOSED REGULATIONS

The initial Statement of Reasons, the Informative Digest included in this Notice of Proposed Action and the text ("express terms") of the Proposed Regulations have been prepared and are available without charge from the contact person listed in this Notice. A copy of the entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Office of the Secretary of Cal/EPA at the above address during normal business working hours. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, and the initial Statement of Reasons. Copies may be obtained by contacting Carol Monahan at the address or via e-mail at cmonahan@calepa.ca.gov. The documents relating to this proposed action may be found on the Cal/EPA website at <a href="http://www.calepa.ca.gov">http://www.calepa.ca.gov</a>

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After consideration of all timely and relevant comments received, the Secretary of Cal/EPA may adopt the proposed regulations substantially as described in this Notice. If the Secretary makes modifications which are sufficiently related to the original proposed text, the modified text—with changes clearly indicated— will be made available to the public for at least 15 days before the Secretary adopts the regulation as revised. Any such modifications will also be posted on the Cal/EPA website at http://www.calepa.ca.gov. Please send requests for copies of any modified regulations to the attention of Carol Monahan at the address indicated above. The Secretary will accept written comments on the modified regulation for 15 days after the date on which they are made available.

# AVAILABILITY OF FINAL STATEMENT OF REASONS

Once the Secretary of Cal/EPA has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy by contacting Carol Monahan at the above address or it may be accessed at <a href="http://www.calepa.ca.gov">http://www.calepa.ca.gov</a>.